

REMARKS

This is in response to the Office Action mailed on October 1, 2004. Claims 1-54 were pending in that action. Claims 51-54 were allowed. Claims 1 and 36-48 were rejected. Finally, claims 2-35, 43, 44, 49 and 50 were objected to. With the present amendment, claims 36 and 47 are amended. Claims 40-46, 48 and 49 are canceled.

On page 2 of the Office Action, FIG. 4 is objected to. With the present amendment, FIG. 4 has been amended to remedy the noted insufficiency.

Beginning on page 2 and continuing through the top of page 3 of the Office Action, the Examiner provisionally rejected claim 1 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of co-pending Application No. 09/881,518 (hereinafter referred to as the '518 application). As will become apparent, Applicant believes that the amendments made herein are in substantial conformance with indications of allowable subject matter in the Office Action. Accordingly, assuming that the provisional rejection is all that remains following consideration of this response, it is respectfully submitted that the provisional rejection be withdrawn. It is worth noting that a corresponding provisional double patenting rejection has not been made in the '518 application. Accordingly, it is Applicant's intention to bring this response and the previous Office Action to the attention of the Examiner assigned to that case. Should the Examiner in the present case have a change of mind and decide that the claims are patentably distinct from one another, Applicant is open to that outcome as well. The differences between the claims would seem to arguably support such a distinction, thereby refuting the rationale for the double patenting rejection.

On page 3 of the Office Action, the Examiner objected to the specification based on a noted informality. With the

present amendment, the specification has been slightly modified to eliminate the ambiguity.

On page 3 of the Office Action, the Examiner rejected claims 43 and 44 based on noted informalities. With the present amendment, claims 43 and 44 have been canceled.

Beginning on the bottom of page 3 through the top of page 4, the Examiner rejected claim 36 based on insufficient antecedent basis. With the present amendment, claim 36 has been modified to remedy the error.

On pages 4-6 of the Office Action, claims 40-46 are rejected under 35 U.S.C. §102(e) as being anticipated. With the present amendment, those claims have been canceled.

On pages 6-8 of the Office Action, claims 47 and 48 are rejected under 35 U.S.C. §103(a). With the present amendment, the elements of dependent claims 48 and 49 have been merged into independent claim 47. Accordingly, claims 48 and 49 have effectively been canceled.

In summary, it is respectfully submitted that a remedy has been provided for all substantive rejection of claims in the present application. Accordingly, it is respectfully submitted that all pending claims 1-39, 47 and 50-54 are in condition for allowance. Favorable action is respectfully solicited.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: Christopher L. Holt

Christopher L. Holt, Reg. No. 45,844  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 334-3312

CLH/rkp